

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF OKLAHOMA**

JUDY SHIPLETT,

Plaintiff,

v.

Case No. CIV-09-316-RAW

MICHAEL J. ASTRUE,
Commissioner of Social Security
Administration,

Defendant.

ORDER

On September 15, 2010, Magistrate Judge Kimberly E. West entered a Report and Recommendation in the above-referenced case, recommending that this Court affirm the Commissioner's decision upholding on appeal the findings of the Administrative Law Judge ("ALJ"), denying benefits to Plaintiff.

On September 22, 2010, Plaintiff filed a timely objection to the Magistrate Judge's Report and Recommendation, contending, *inter alia*, that the Report: (1) incorrectly minimizes a release to "limited duty" and an FCE; (2) incorrectly concludes that Plaintiff's pain is well-controlled; (3) ignores the significance of Plaintiff having to use strong medications such as OxyContin, morphine and methadone; (4) ignores the requirement of the ALJ to consider the disability assessment for workers' compensation purposes which showed Plaintiff to be TTD until February 8, 2003 and not reaching maximum medical improvement until September 8, 2003; and (5) fails to address the various failed forms of treatment in the context of the closed period of disability issue.

Upon full consideration of the entire record and the issues herein, this court finds that the Magistrate Judge's recommendation to affirm the ALJ is well-supported. The ALJ's decision is supported by substantial evidence, and the correct legal standards were applied. As a result, Plaintiff's objections to the Report and Recommendation are overruled. Accordingly, the Report and Recommendation of the United States Magistrate Judge is hereby AFFIRMED and ADOPTED as this court's Findings and Order. The decision of the Commissioner upholding on appeal the findings of the ALJ is affirmed.

It is so ORDERED this 30th day of September, 2010.

Dated this 30th Day of September 2010.

A handwritten signature in cursive script, reading "Ronald A. White", written in black ink on a white background.

Ronald A. White
United States District Judge
Eastern District of Oklahoma

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